



General Assembly

Substitute Bill No. 5204

February Session, 2010

* ____HB05204LAB__030910____ *

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE JOINT
ENFORCEMENT COMMISSION ON EMPLOYEE MISCLASSIFICATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-69a of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2010*):

4 (a) In addition to the penalties provided in this chapter and chapter
5 568, any employer, officer, agent or other person who violates any
6 provision of this chapter, chapter 563a, chapter 557 or subsection (g) of
7 section 31-288, as amended by this act, shall be liable to the Labor
8 Department for a civil penalty of three hundred dollars for each
9 violation of said chapters and for each violation of subsection (g) of
10 section 31-288, as amended by this act, and each day of such violation
11 shall constitute a separate offense, except that any person who violates
12 (1) a stop work order issued pursuant to subsection (c) of section 31-
13 76a, shall be liable to the Labor Department for a civil penalty of one
14 thousand dollars and each day of such violation shall constitute a
15 separate offense, and (2) any provision of section 31-12, 31-13 or 31-14,
16 subsection (a) of section 31-15 or section 31-18, 31-23 or 31-24 shall be
17 liable to the Labor Department for a civil penalty of six hundred
18 dollars for each violation of said sections.

19 (b) The Attorney General, upon complaint of the Labor

20 Commissioner, shall institute civil actions to recover the penalties
 21 provided for under subsection (a) of this section. Any amount
 22 recovered shall be deposited in the General Fund and credited to a
 23 separate nonlapsing appropriation to the Labor Department, for other
 24 current expenses, and may be used by the Labor Department to
 25 enforce the provisions of chapter 557, chapter 563a, this chapter and
 26 subsection (g) of section 31-288, as amended by this act, and to
 27 implement the provisions of section 31-4.

28 Sec. 2. Subsection (g) of section 31-288 of the general statutes is
 29 repealed and the following is substituted in lieu thereof (*Effective*
 30 *October 1, 2010*):

31 (g) Any employer who (1) has failed to meet the requirements of
 32 subsection (b) or (c) of section 31-284, or (2) with the intent to injure,
 33 defraud or deceive any insurance company insuring the liability of
 34 such employer under this chapter or the state of Connecticut because
 35 of failure to pay workers' compensation assessments in accordance
 36 with the provisions of section 31-345 or second injury fund
 37 assessments in accordance with the provisions of section 31-354, (A)
 38 knowingly misrepresents one or more employees as independent
 39 contractors, or (B) knowingly provides false, incomplete or misleading
 40 information to such company concerning the number of employees, for
 41 the purpose of paying a lower premium on a policy obtained from
 42 such company, shall be guilty of a class D felony and shall be subject to
 43 a stop work order issued by the Labor Commissioner in accordance
 44 with section 31-76a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	31-69a
Sec. 2	<i>October 1, 2010</i>	31-288(g)

LAB *Joint Favorable Subst.*